

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 03090/RJF	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/034957	International filing date (<i>day/month/year</i>) 21 October 2004 (21.10.2004)	Priority date (<i>day/month/year</i>) 28 October 2003 (28.10.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant CABOT CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date of issuance of this report 01 May 2006 (01.05.2006)</td> <td style="width: 50%;">Authorized officer Dorothee Mülhausen</td> </tr> <tr> <td>Facsimile No. +41 22 740 14 35</td> <td>Telephone No. +41 22 338 87 40</td> </tr> </table>	Date of issuance of this report 01 May 2006 (01.05.2006)	Authorized officer Dorothee Mülhausen	Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 87 40
Date of issuance of this report 01 May 2006 (01.05.2006)	Authorized officer Dorothee Mülhausen				
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 09 MAR 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/034957

International filing date (day/month/year)
20.10.2004

Priority date (day/month/year)
28.10.2003

International Patent Classification (IPC) or both national classification and IPC
C09D5/00, C09D11/00

Applicant
CABOT CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/034957

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:

☐ a sequence listing

☐ table(s) related to the sequence listing
 - b. format of material:

☐ in written format

☐ in computer readable form
 - c. time of filing/furnishing:

☐ contained in the international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/034957

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-40
Inventive step (IS)	Yes: Claims	
	No: Claims	1-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/034957

- D1: EP-A-0 716 131 (ROHM AND HAAS COMPANY) 12 June 1996 (1996-06-12)
D2: WO 02/33008 A (AVECIA B.V; AVECIA LIMITED; OVERBEEK, GERARDUS,
CORNELIS; MARTIN, EMIL) 25 April 2002 (2002-04-25)
D3: WO 01/36547 A (COATES BROTHERS PLC; ALLEN, HUGH, ALEXANDER;
MARTIN, RICHARD, VINCENT,) 25 May 2001 (2001-05-25)
D4: PATENT ABSTRACTS OF JAPAN vol. 009, no. 271 (C-311), 29 October 1985
(1985-10-29) & JP 60 120795 A (HAKUTOU NARUKO KAGAKU KK), 28 June 1985
(1985-06-28)
D5: US-A-5 713 988 (BELMONT ET AL) 3 February 1998 (1998-02-03)

Independent claims

Single independent claim 1 relates to a composition suitable as dispersant comprising (i) an anionic surfactant and (ii) a polymer comprising a salt of a carboxylic acid.

Novelty

Each of D1-D4 discloses compositions having all the technical features of claim 1.
See **D1** claim 1, table 1-4; **D2** page 36-42, example 1; **D3** example 5; **D4** abstract.
Therefore, claim 1 is not novel.

Inventive step

At present it cannot be seen which part of the original disclosure could serve as a basis for drafting a novel independent claim which is non-obvious to the skilled man knowing D1-D5.

Industrial applicability

The claimed subject-matter is industrially applicable.